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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/749,615

Applicant(s)

FREY ET AL.

Examiner

MATTHEW S. LINDSEY

Art Unit

2151

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-30 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 21 April 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-893)
Paper No(s)/Mail Date 21 April 2008
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-30 are pending in this application. Claims 1, 4, 6, 8, 10, 13, 16, 19, 22, 25, 26 and 28 have been amended as filed 21 April 2008.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shah (US 2003/0005173), hereinafter Shah, in view of Ullman et al. (US 7,120,685 B2), hereinafter Ullman.**

4. With respect to Claim 1, Shah disclosed: "A method (Abstract, lines 1-2) comprising:

defining a severity level for a first controller ([0050], lines 1-8, and [0054], lines 5-7, where the severity level is the configuration of the filter, for example the amount of data passed to handlers from the filter can change based on the filter configuration and thus the severity level is defined), the first controller processing messages based on the defined effective severity level ([0050], lines 2-4)",

"the second controller being a child controller to the first controller in a controller hierarchy ([0059], lines 3-5) so as to receive said security level as a parameter from said first controller ([0059], lines 5-9, if a property on a child is not set, it inherits that property from the parent, and for example, trace node has the property isLogging=false, both of its children inherit this property); and

setting the severity level of the second controller equal to the severity level of the first controller ([0059], lines 3-7) if the severity level of the first controller is between the minimum severity level ([0059], lines 7-8, isLogging=false, where no logging takes place) and the maximum severity level ([0059], second Col., lines 2-4, isLogging=true, where logging takes place), said first and second controllers each being:

an instance of a tracing controller ([0066], lines 8-10, where the child trace node can be configured independently of its parent trace node); or,

an instance of a logging controller ([0068], lines 1-3, where message loggers can be similarly configured)".

Shah did not explicitly state: "defining a minimum severity level and a maximum severity level with a second controller".

However, Ullman disclosed: "defining a minimum severity level and a maximum severity level with a second controller (Abstract, lines 9-15, and Col. 4, lines 15-29, where a maximum level is defined when selective control of message logging, tracing, and filtering of the logger and tracer output are at the maximum level, for example when the frequency of logging is adjusted upward the logging level will increase to its

maximum level. During normal operation or after detection of a stop event the frequency of logging may be decreased, for a minimum level)".

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the logging system of Shah with the teachings of Ullman to include support for variable levels of logging. Motivation to combine these references comes from Ullman, "to provide continual monitoring with logging and tracing of all computing system activities is unduly burdensome and adversely impacts performance objectives. Therefore, what is provided is a variable logging frequency monitor feature which implements selective control of the message logging, the tracing, and of the filtering of the logger and tracer output (Col. 4, lines 12-18)". Therefore by combining the logging system of Shah with the variable levels of logging of Ullman, one can save performance while still logging relevant events on a computing system.

5. With respect to Claim 10, Shah disclosed: "A method (Abstract, lines 1-2) comprising:

defining an severity level for a first controller ([0050], lines 1-4, and [0054], lines 5-7, where the severity level is the configuration of the filter, for example the amount of data passed to handlers from the filter can change based on the filter configuration and thus the severity level is defined), the first controller processing messages based on the defined severity level ([0050], lines 2-4)",

"the second controller being a child controller to the first controller in a defined controller hierarchy ([0059], lines 3-5) so as to receive said security level as a

parameter from said first controller ([0059], lines 5-9, if a property on a child is not set, it inherits that property from the parent, and for example, trace node has the property isLogging=false, both of its children inherit this property); and

setting the severity of the second controller equal to the minimum severity level if the severity level of the first controller is relatively lower than the defined minimum severity level ([0059], lines 7-8, and second Col., lines 1-4, where the parent node, object 601 in Figure 6, has no logging, which is lower than the minimum defined logging level for the child node, object 602, Figure 6, which has logging set to true. The parent level is relatively lower than the child minimum level, and the child overrides the parent value) and setting the severity of the second controller equal to the maximum severity level if the severity level of the first controller is relatively higher than the defined maximum severity level (As seen in the rejection of the previous limitation, the child does not have to inherit the value of the parent, so it is conceivable that the parent has logging set to true and the child has logging set to false, which would mean the parent has a higher logging lever than the child, and the child will use its lower level rather than inherit the parent value), said first and second controllers each being:

an instance of a tracing controller ([0066], lines 8-10, where the child trace node can be configured independently of its parent trace node); or,

an instance of a logging controller ([0068], lines 1-3, where message loggers can be similarly configured)".

Shah does not disclose: "defining a minimum severity level and a maximum severity level with a second controller".

However, Ullman disclosed: "defining a minimum severity level and a maximum severity level with a second controller (Abstract, lines 9-15, and Col. 4, lines 15-29, where a maximum level is defined when selective control of message logging, tracing, and filtering of the logger and tracer output are at the maximum level, for example when the frequency of logging is adjusted upward the logging level will increase to its maximum level. During normal operation or after detection of a stop event the frequency of logging may be decreased, for a minimum level)".

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the logging system of Shah with the teachings of Ullman to include support for variable levels of logging. Motivation to combine these references comes from Ullman, "to provide continual monitoring with logging and tracing of all computing system activities is unduly burdensome and adversely impacts performance objectives. Therefore, what is provided is a variable logging frequency monitor feature which implements selective control of the message logging, the tracing, and of the filtering of the logger and tracer output (Col. 4, lines 12-18)". Therefore by combining the logging system of Shah with the variable levels of logging of Ullman, one can save performance while still logging relevant events on a computing system.

6. With respect to Claim 19, Shah disclosed: "A system (Abstract, lines 1-2) comprising:

a first controller ([0050], lines 1-4) to process messages based on a defined severity level ([0050], lines 2-4, and [0054], lines 5-7, where the severity level is the configuration of the filter, for example the amount of data passed to handlers from the filter can change based on the filter configuration and thus the severity level is defined); and

a second controller being a child controller to the first controller in a defined controller hierarchy ([0059], lines 3-5) so as to receive said security level as a parameter from said first controller ([0059], lines 5-9, if a property on a child is not set, it inherits that property from the parent, and for example, trace node has the property isLogging=false, both of its children inherit this property); and

severity generation logic to set the severity of the second controller equal to the severity of the first controller ([0059], lines 3-7) if the severity level of the first controller is between a minimum severity level ([0059], lines 7-8, isLogging=false, where no logging takes place) and a maximum severity level ([0059], second Col., lines 2-4, isLogging=true, where logging takes place), said first and second controllers each being:

an instance of a tracing controller ([0066], lines 8-10, where the child trace node can be configured independently of its parent trace node); or,

an instance of a logging controller ([0068], lines 1-3, where message loggers can be similarly configured)".

7. With respect to Claim 28, Shah disclosed: "An article of manufacture having program code stored thereon (Abstract, lines 1-2) which, when executed by a machine cause the machine to perform the operations of:

defining a severity level for a first controller ([0050], lines 1-4, and [0054], lines 5-7, where the severity level is the configuration of the filter, for example the amount of data passed to handlers from the filter can change based on the filter configuration and thus the severity level is defined), the first controller processing messages based on the defined effective severity level ([0050], lines 2-4)",

"the second controller being a child controller to the first controller in a controller hierarchy ([0059], lines 3-5) so as to receive said security level as a parameter from said first controller ([0059], lines 5-9, if a property on a child is not set, it inherits that property from the parent, and for example, trace node has the property isLogging=false, both of its children inherit this property); and

setting the severity level of the second controller equal to the severity level of the first controller ([0059], lines 3-7) if the severity level of the first controller is between the minimum severity level ([0059], lines 7-8, isLogging=false, where no logging takes place) and the maximum severity level ([0059], second Col., lines 2-4, isLogging=true, where logging takes place), said first and second controllers each being:

an instance of a tracing controller ([0066], lines 8-10, where the child trace node can be configured independently of its parent trace node); or,

an instance of a logging controller ([0068], lines 1-3, where message loggers can be similarly configured)".

Shah does not disclose: "defining a minimum severity level and a maximum severity level with a second controller".

However, Ullman disclosed: "defining a minimum severity level and a maximum severity level with a second controller (Abstract, lines 9-15, and Col. 4, lines 15-29, where a maximum level is defined when selective control of message logging, tracing, and filtering of the logger and tracer output are at the maximum level, for example when the frequency of logging is adjusted upward the logging level will increase to its maximum level. During normal operation or after detection of a stop event the frequency of logging may be decreased, for a minimum level)".

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the logging system of Shah with the teachings of Ullman to include support for variable levels of logging. Motivation to combine these references comes from Ullman, "to provide continual monitoring with logging and tracing of all computing system activities is unduly burdensome and adversely impacts performance objectives. Therefore, what is provided is a variable logging frequency monitor feature which implements selective control of the message logging, the tracing, and of the filtering of the logger and tracer output (Col. 4, lines 12-18)". Therefore by combining the logging system of Shah with the variable levels of logging of Ullman, one can save performance while still logging relevant events on a computing system.

8. With respect to Claims 2, 20 and 29, the combination of Shah and Ullman disclosed: "setting the severity level of the second controller equal to the minimum severity level if the severity level of the first controller is relatively lower than the defined minimum severity level (Shah, [0059], lines 7-8, and second Col., lines 1-4, where the parent node, object 601 in Figure 6, has no logging, which is lower than the minimum defined logging level for the child node, object 602, Figure 6, which has logging set to true. The parent level is relatively lower than the child minimum level, and the child overrides the parent value)".

9. With respect to Claim 11, the combination of Shah and Ullman disclosed: "The method as in claim 10 further comprising: setting the severity of the second controller equal to the severity of the first controller (Shah, [0059], lines 3-7) if the severity level of the first controller is between the minimum severity level (Shah, [0059], lines 7-8, isLogging=false, where no logging takes place) and the maximum severity level (Shah, [0059], second Col., lines 2-4, isLogging=true, where logging takes place)".

10. With respect to Claims 3, 12, 21 and 30, the combination of Shah and Ullman disclosed: "setting the severity level of the second controller equal to the maximum severity level if the severity level of the first controller is relatively higher than the defined maximum severity level (As seen in the rejection of Claim 2 above, the child does not have to inherit the value of the parent, so it is conceivable that the parent has logging set to true and the child has logging set to false, which would mean the parent

has a higher logging lever than the child, and the child will use its lower level rather than inherit the parent value)".

11. With respect to Claims 4, 13 and 22, the combination of Shah and Ullman disclosed: "wherein said first and second controllers are tracing controllers (Shah, [0066], lines 8-10, where the child trace node can be configured independently of its parent trace node), further comprising: receiving a trace message directed at the second controller (Shah, [0042], lines 2-4, and Figure 6, object 601, being the trace logger); comparing a severity value associated with the trace message with the severity level of the second controller (Shah, [0050], lines 1-2 and 6-8); and processing the trace message if the severity value associated with the trace message is greater than or equal to the severity level of the second controller (Shah, [0050], lines 2-4).

12. With respect to Claims 5, 14 and 23, the combination of Shah and Ullman disclosed: "wherein processing comprises formatting information contained in the trace message (Shah, [0051], lines 1-2) and forwarding the formatted information to a specified output destination (Shah, [0043], lines 1-5)".

13. With respect to Claims 6, 15 and 24, the combination of Shah and Ullman disclosed: "wherein the trace message is emitted in response to the execution of a specified area of program code within an application (Shah, [0042], lines 6 and second Col., lines 1-6)".

14. With respect to Claims 7, 16 and 25, the combination of Shah and Ullman disclosed: "wherein said first and second controllers are logging controllers (Shah, [0066], lines 8-10, where the child trace node can be configured independently of its parent trace node, and [0068], lines 1-3, where message loggers can be similarly configured) further comprising: receiving a log message directed at the second controller (Shah, [0042], lines 2-3); comparing a severity value associated with the log message with the severity level of the second controller (Shah, [0050], lines 1-2, and 6-8); and processing the log message if the severity value associated with the trace message is greater than or equal to the severity level of the second controller (Shah, [0050], lines 2-4)".

15. With respect to Claim 8, the combination of Shah and Ullman disclosed: "wherein said first and second controllers are logging controllers (Shah, [0066], lines 8-10, where the child trace node can be configured independently of its parent trace node, and [0068], lines 1-3, where message loggers can be similarly configured) processing comprises formatting information contained in the log message (Shah, [0051], lines 1-2) and forwarding the formatted information to a specified output destination (Shah, [0043], lines 1-5)".

16. With respect to Claim 17, the combination of Shah and Ullman disclosed: "wherein processing comprises formatting information contained in a log message

(Shah, [0051], lines 1-2) and forwarding the formatted information to a specified output destination (Shah, [0043], lines 1-5)".

17. With respect to Claim 26, the combination of Shah and Ullman disclosed: "wherein said first and second controllers are tracing controllers (Shah, [0066], lines 8-10, where the child trace node can be configured independently of its parent trace node) processing comprises formatting information contained in the log message (Shah, [0051], lines 1-2) and forwarding the formatted information to a specified output destination (Shah, [0043], lines 1-5)".

18. With respect to Claims 9 and 18, the combination of Shah and Ullman disclosed: "wherein the second controller is associated with a particular category (Shah, [0042], lines 4-5) and wherein the log message is from an application and/or network component associated with the category (Shah, [0042], lines 4-5)".

19. With respect to Claim 27, the combination of Shah and Ullman disclosed: "wherein the second controller is associated with a particular category (Shah, [0042], lines 4-5) and wherein the log message is from an application and/or network component associated with the category (Shah, [0042], lines 4-5)".

Response to Arguments

20. Applicant's arguments, see pg 10, Drawings, filed 21 April 2008, with respect to drawing objections have been fully considered and are persuasive. The objection of the drawings has been withdrawn.

21. Applicant's arguments, see pg 10, Claim Objections, filed 21 April 2008, with respect to claim objections have been fully considered and are persuasive. The objection of the claims has been withdrawn.

22. Applicant's arguments, see pg 10, Claim Rejections, filed 21 April 2008 have been fully considered but they are not persuasive. Applicant argues: "Shah does not appear to contemplate parent/child pairs of the same kind of controller (logging or tracing)" (pg 14, lines 1-2). Examiner respectfully disagrees, Shah disclosed: "In FIG. 6, the trace logger 606, for example, can be reconfigured without having to reconfigure the parent trace node 601" ([0066], lines 8-10).

Applicant further argues: "Shah does not appear to show that filter configuration parameters are passed between controllers as part of a parent/child relationship" (pg 14, lines 3-5). Examiner respectfully disagrees, Shah disclosed: "All the logging elements utilize coalescing (or inheritance) to set property values. This means that there is a parent and child relationship. If a property on a child is not set, then it inherits that property from the parent. For example, FIG. 6 shows that the trace node 601 has the

property "isLogging-false". Both of its children, the log 602 and directory 603, inherit this property" ([0059], lines 3-9).

Conclusion

23. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **MATTHEW S. LINDSEY** whose telephone number is (571)270-3811. The examiner can normally be reached on Mon-Thurs 7-5, Fridays 7-12.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MSL

7/8/2008

/John Follansbee/

Supervisory Patent Examiner, Art Unit 2151